

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LAURA POWERS, on behalf of herself and
all others similarly situated;

8:17CV229

Plaintiff,

vs.

THE COLLECTION ANALYST, INC., and
JUDITH D. RETELSDORF,

Defendants.

**ORDER APPROVING
FINAL CLASS ACTION
SETTLEMENT**

Pursuant to the Memorandum and Order entered this date,

IT IS ORDERED:

1. The parties' joint motion for final approval of class action settlement ([Filing No. 37](#)) is granted.
2. Pursuant to [Federal Rule of Civil Procedure 23\(b\)\(3\)](#), the above-captioned case is hereby finally certified, for settlement purposes only, as a class action on behalf of the following class of plaintiffs (the "Class Members") with respect to the claims asserted in this action. The Court hereby certifies two classes, pursuant to [Fed. R. Civ. P. 23\(b\)\(3\)](#): as follows:
 - (A) The FDCPA class:
 - (i) all persons with addresses in Nebraska;
 - (ii) to whom Defendants sent or served, or caused to be sent or served, a county court collection complaint in the form of Exhibit A ([Filing No. 1-1](#));
 - (iii) in an attempt to collect alleged unpaid medical or dental accounts from July 23, 2016 through July 23, 2017

(B) The NCPA class:

- (i) all persons with addresses in Nebraska;
- (ii) to whom Defendants sent or served, or caused to be sent or served, a county court collection complaint in the form of Exhibit A ([Filing No. 1-1](#));
- (iii) in an attempt to collect alleged unpaid medical or dental accounts from July 23, 2013 through July 23, 2017

3. Pursuant to Rule 23, the Court finally certifies plaintiff Laura Powers as the class representative and William L. Reinbrecht and Pamela A. Car of the law firm Car & Reinbrecht and O. Randolph Bragg of Horwitz, Horwitz & Associates, Ltd., as class counsel.
4. The class-action Settlement Agreement ("Agreement") ([Filing No. 27-1](#)) is finally approved and incorporated herein. All capitalized terms used herein shall have the meanings defined in the Settlement Agreement. The Settlement Agreement shall be consummated in accordance with the terms and provisions thereof, except as amended by any order issued by this Court. The parties are hereby directed to perform the terms of the Settlement Agreement.
5. This Final Order Approving Class Settlement is binding on all Class Members as no Class Members opted-out, excluded themselves from the class or objected to the proposed terms of settlement disclosed in the notice, which was sent by First Class Mail on August 17, 2018, as stated in the Affidavit of Dorothy Sue Merryman of Class-Settlement.com, the class action administrator agreed upon by the Parties ([Filing No. 39-1](#)). No one appeared at the hearing to object to the motion.

6. The claims of the class representatives, class members and their successors and assigns are released pursuant to Paragraphs 7 & 8 of the Settlement Agreement. ([Filing No. 27-1 at ECF p. 14](#))
7. This Final Order Approving Class Settlement is not, and shall not be construed, as an admission by defendants The Collection Analyst, Inc. or Judith D. Retelsdorf of any liability or wrongdoing in this or in any other proceeding.
8. This action is hereby dismissed with prejudice in all respects with respect to all defendants. This Court retains jurisdiction until all matters pertaining to the settlement are concluded.
9. Attorney fees and costs have been approved pursuant to the terms of the Settlement Agreement and Class counsel is awarded \$28,500.00 ([Filing No. 40](#)).
10. The class administrator is authorized to make payments to Class Members in accordance with the Settlement Agreement and the Chart noted as Exhibit 4 to the Index ([Filing No. 39-4](#)).
11. A separate Judgment in conformity with this Order Approving Final Class Action Settlement will issue this date.

Dated this 20th day of December 2018.

BY THE COURT:

s/ Joseph F. Bataillon

Senior United States District Judge